

Message Text

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16

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 INR-05 L-02

NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15

USIA-06 IO-10 ACDA-05 NIC-01 SAJ-01 OMB-01 CIEP-01

SCA-01 SCS-03 /077 W

----- 074821

R 041135Z DEC 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC 6608

INFO USMISSION USBERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 18690

E.O. 11652: GDS

TAGS: PGOV, WB, US, UK, FR, UR, GW

SUBJECT: SOVIET PROTEST ON CONSULAR LAW

REF: A) STATE 246089

B) USBER 1935

C) BONN 16475

SUMMARY: BONN GROUP CONSIDERED COMMENTS OF CAPITALS ON OCTOBER BONN GROUP AD REF TEXT (REF C) OF REPLY TO SOVIET PROTEST ON FRG CONSULAR LAW, AND HAS REACHED AD REF AGREEMENT ON NEW TEXT WHICH TAKES INTO ACCOUNT MANY OF THOSE COMMENTS. END SUMMARY.

1. IN SEVERAL MEETINGS SINCE NOV 8, BONN GROUP HAS CONSIDERED COMMENTS OF AUTHORITIES ON OCTOBER AD REF TEXT OF REPLY AND HAS NOW REACHED AD REF AGREEMENT ON A NEW COMPROMISE TEXT. REGARDING SPECIFIC POINTS RAISED BY DEPARTMENT IN REF A, PARA A OF REPLY LEFT AS IN
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ORIGINAL BONN GROUP TEXT BECAUSE OF STRONG FRENCH/

BRITISH FEELING THAT USE OF "FULL RANGE" COULD IMPLY THAT FRG HAD BROADER AUTHORIZATION PRIOR TO QA AND THAT SOMETHING WAS GIVEN UP IN QA WHICH IS TRYING TO BE REGAINED NOW. REGARDING SECOND SENTENCE PARA 2 OF ORIGINAL BONN GROUP TEXT, LANGUAGE HAS BEEN BROKEN OUT TO FORM SINGLE PARAGRAPH TO MAKE IT CLEAR THAT THIS A CONCLUSION FLOWING FROM ALL OF TEXT WHICH GOES BEFORE AND NOT ONLY FROM SOVIET QA STATEMENT. OTHER REPS WERE OF STRONG VIEW THAT THIS PARAPHRASE OF QA NOT POTENTIAL- LY DANGEROUS, AND AVOIDANCE BY ALLIES OF THIS LOGICAL CONCLUSION TO FOREGOING TEXT COULD RAISE QUESTIONS AS TO CONTINUED ALLIED ACCEPTANCE THIS POINT. ALL REPS AGREED TO DROP OPENING PORTIONS OF OLD PARA 3.

2. REGARDING OTHER CHANGES, THE NEW LANGUAGE REGARDING THE AUGUST 9 REPLY (NEW PARA D) IS AN ATTEMPT TO MEET A FRENCH POINT OF WISHING TO AVOID ANY INDICATION THAT AUGUST 9 COMMUNICATION IS DEFINITIVE ALLIED STATEMENT ON QUESTIONS OF NATIONALITY. NEW PARA E IS UK POINT OF DESIRING TO AVOID INCLUSION OF PHRASE "LAND BERLIN" IN ALLIED MESSAGE.

3. BEGIN TEXT: IN REPLY TO YOUR ORAL COMMUNICATION OF 21 AUGUST ABOUT THE DRAFT FEDERAL LAW ON "CONSULAR OFFICERS, THEIR DUTIES AND COMPETENCES," I HAVE BEEN INSTRUCTED TO INFORM YOU OF THE FOLLOWING:

A. THE THREE WESTERN POWERS LONG AGO AUTHORISED THE FEDERAL GOVERNMENT TO PERFORM CONSULAR SERVICES FOR PERMANENT RESIDENTS OF THE WESTERN SECTORS OF BERLIN. IN PARTICULAR, THEY AUTHORISED THE EXTENSION BY THE FRG TO THE WSB OF THE VIENNA CONVENTION ON CONSULAR RELATIONS OF APRIL 24, 1963. THIS AUTHORISATION WAS GIVEN UNDER THE ESTABLISHED PROCEDURES AND SUBJECT TO APPROPRIATE RESERVATIONS BY THE ALLIED AUTHORITIES ENSURING

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THAT ALLIED RIGHTS AND RESPONSIBILITIES, IN PARTICULAR THOSE RELATING TO STATUS AND SECURITY, ARE NOT THEREBY AFFECTED.

B. THE SOVIET GOVERNMENT, FOR ITS PART, STATED IN THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971 THAT PROVIDED MATTERS OF STATUS AND SECURITY ARE NOT AFFECTED, IT WILL RAISE NO OBJECTION TO THE PERFORMANCE BY THE FEDERAL REPUBLIC OF GERMANY OF CONSULAR SERVICES FOR PERMANENT RESIDENTS OF THE WESTERN SECTORS OF BERLIN.

C. IT IS THEREFORE CLEAR THAT THE NATURE AND EXTENT OF THE CONSULAR SERVICES WHICH THE FEDERAL REPUBLIC MAY PERFORM FOR PERMANENT RESIDENTS OF THE WESTERN SECTORS OF BERLIN IS LIMITED ONLY BY THE REQUIREMENT THAT THEY DO NOT AFFECT MATTERS OF STATUS AND SECURITY.

D. THE AUTHORITIES OF THE THREE WESTERN POWERS DO NOT CONSIDER THAT THE DRAFT FEDERAL LAW IN QUESTION
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DEALING WITH THE DUTIES AND COMPETENCES OF CONSULAR OFFICERS OF THE FRG IS OF SUCH A NATURE AS TO AFFECT THE STATUS AND SECURITY OF BERLIN AND HAVE THEREFORE AUTHORISED THE ADOPTION OF THIS LAW IN BERLIN. IN THIS CONNECTION THEY WISH TO RECALL THE REFERENCE IN THE COMMUNICATION MADE TO YOUR EMBASSY ON 9 AUGUST 1974 TO THE NATIONALITY LAW IN FORCE IN THE WSB.

E. AS FOR QUESTIONS OF TERMINOLOGY, THE AUTHORITIES OF THE THREE WESTERN POWERS RECALL THEIR COMMUNICATIONS OF 22 FEBRUARY 1973 TO THE SOVIET MINISTRY OF FOREIGN AFFAIRS.

F. THE ALLIED AUTHORITIES CONSIDER THAT, FOR THE

REASONS GIVEN, THE ADOPTION IN BERLIN OF THE DRAFT
FEDERAL LAW ON CONSULAR OFFICERS WOULD BE ENTIRELY
COMPATIBLE WITH THE PROVISIONS OF THE QUADRIPARTITE
AGREEMENT OF 3 SEPTEMBER 1971. END TEXT.

4. RECOMMEND DEPARTMENT APPROVE TEXT FOR DELIVERY ASAP
IN BERLIN IN ACCORDANCE WITH NORMAL PROCEDURES.
CASH

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Message Attributes

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Type: TE
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